

**March 21, 1997**

**MAINTAINING THE INTEGRITY OF CLAIMS FOLDERS SUBJECT  
TO POSSIBLE APPEAL TO THE COURT OF VETERANS APPEALS**

1. **PURPOSE:** This Veterans Health Administration (VHA) Directive establishes policy for maintaining the integrity of certain Veterans Benefits Administration (VBA) claims folders while under the jurisdiction of VHA.
2. **BACKGROUND:** Following a Board of Veterans Appeals (BVA) decision on a monetary benefits claims issue, Regional Offices (RO) are required under M21-1, Part II, Paragraph 4.18 to take special precautions to ensure the integrity of such claims folders for a 150-day period following the subject decision. As a result, VBA policy did not allow for the transfer of such claims folders to VHA facilities for any reason during the 150-day secure period. Recently, the Board of Veterans Appeals (BVA) has begun issuing split decisions i.e., making a decision on each issue in a claim that is completely developed while continuing to remand those issues that are not yet ready for final determination. In a majority of split decisions, the BVA has ordered the claimant to undergo a VA examination to include review of the claims folder by the examiner. In these cases, the RO is required to secure the claims folder for 150 days to ensure the integrity of the claims folder regarding the evidence pertinent to the decided issue(s) because of the potential for appeal to the Court of Veterans Appeals (CVA). On the other hand, VBA is required under Section 302, Public Law 103-446 to provide for expeditious treatment of remands from both the CVA and the VBA, requiring the release of secured folders to VHA health care facilities.
3. **POLICY:** VHA facilities will be responsible for maintaining the integrity of the claims folder (defined as nothing has been added to or deleted from the folder) while the folder is under their control. The integrity of the folder will be maintained as follows:
  - a. The VBA RO will deliver the claims folder to the VHA facility clearly marked on the front of the folder that it requires special procedures to protect the integrity of the folder (see Att. A).
  - b. The claims folder will have identical forms affixed to the inside of the front and back cover flaps. These forms instruct that nothing may be added to or deleted from the folder (see Att. B).
  - c. The center of the claims folder will contain multiple copies of two forms (also referred to as file inserts). Essentially, these forms have two purposes: control of the claims folder and written certification of the integrity of the folder (see Atts. C and D).
  - d. Prospective VHA reviewers must sign for the claims folder noting their organization, date, time, and purposes of the review (see Att. C). Upon completion of the review, a single VHA official, e.g., Associate Chief of Staff for Ambulatory Care, etc., must certify the integrity of the records in the claims folders while the folders were under their personal control (see Att. D).

**THIS VHA DIRECTIVE EXPIRES MARCH 21, 2002**

**VHA DIRECTIVE 97-016**

**March 21, 1997**

4. **ACTION:** Facility Directors will ensure compliance with subparagraph 3d concerning the integrity of the claims folders.

5. **REFERENCES**

a. VBA Manual M21-1, Part II, Paragraph 4.18.

b. Public Law 103-446, Section 302.

6. **RESCISSION:** This VHA Directive expires March 21, 2002.

S/ by Thomas Garthwaite, M.D. for  
Kenneth W. Kizer, M.D., M.P.H.  
Under Secretary for Health

Attachments

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**ATTACHMENT A**

**SAMPLE OF VBA FORM THAT REQUIRES SPECIAL PROCEDURES  
TO PROTECT THE INTEGRITY OF THE FOLDER**

Attachment A is not available electronically  
A copy may be found in the Under Secretary for Health's Library  
Room 675FF, VA Central Office



**ATTACHMENT B**

**SAMPLE OF VBA FORM THAT INSTRCTS NOTHING MAY BE  
ADDED OR DELETED FROM THIS FOLDER**

Attachment B is not available electronically  
A copy may be found in the Under Secretary for Health's Library  
Room 675FF, VA Central Office



**ATTACHMENT C**

**SAMPLE OF VBA FORM (FILE INSERT) THAT INSTRCTS NOTHING MAY BE  
ADDED OR DELETED FROM THIS FOLDER**

Attachment C is not available electronically  
A copy may be found in the Under Secretary for Health's Library  
Room 675FF, VA Central Office





**ATTACHMENT D**

**SAMPLE OF VBA FORM (FILE INSERT)**  
**A CERTIFICATION OF RECORD INTEGRITY**

Attachment D is not available electronically  
A copy may be found in the Under Secretary for Health's Library  
Room 675FF, VA Central Office